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## FISCAL IMPACT REPORT

SPONSOR McSorley DATE TYPED 2/9/2004 HB \_\_\_\_\_

SHORT TITLE Repeal Land Ownership Provision SB SJR 13

ANALYST Bransford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General (AG)

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 13 proposes to repeal Article II, Section 22 of the New Mexico Constitution which prohibits persons other than U.S. citizens or aliens who are eligible for citizenship from owning or having an interest in real estate in New Mexico.

#### Significant Issues

Article II, Section 22 prohibits landownership based on citizenship not race.

The AG reports that in Article II, Section 22 landownership prohibition by certain non-citizens has been suspended by statute in Section 45-2-111 NMSA 1978. Therefore the repeal of Article II, Section 22 is warranted. The restriction is unenforceable and suspect under the U.S. Constitution, see NM AG Op. No. 63-120 (1963).

VB/yr